

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	Case No. 4:09cr70
	§	(Judge Crone)
JAMES TORIGIAN KEARINS	§	

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on November 19, 2014, to determine whether Defendant violated his supervised release.

On November 23, 2009, Defendant was sentenced by the Honorable Marcia A. Crone to seventy (70) months' custody followed by three (3) years of supervised release for the offense of Conspiracy to Possess with Intent to Distribute Methamphetamine and Gamma Hydroxybutyrate. On February 25, 2010, an amended judgment was imposed, reducing the term of imprisonment to forty-seven (47) months. On September 17, 2013, the term of supervised release was extended to a total of four years. On April 2, 2012, Defendant completed his period of imprisonment and began service of his supervised term.

On September 16, 2014, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. Prior to the Government putting on its case, Defendant entered a plea of true to all of the violations.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed

to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Fort Worth Unit. It is also recommended that Defendant be placed in a drug treatment program.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 19th day of November, 2014.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE